

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARTHA BANKS,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant,
-----X

USDS SDNY
CURRENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: _____

06 Civ. 1428 (KMK) (GAY)
ORDER ADOPTING REPORT
AND RECOMMENDATION RE
PAYMENT OF EAJA FEES

KENNETH M. KARAS, District Judge:

Plaintiff Martha Banks brought this case pursuant to 42 U.S.C § 405(g), challenging the decision by the Commissioner of Social security (the "Commissioner") to deny plaintiff's application for disability insurance benefits. By Order dated August 13, 2009 [hereinafter "Order"], the undersigned granted plaintiff's motion for judgment on the pleadings to the extent that it remanded the matter to the Commissioner for further proceedings.

WHEREAS a Motion for Award of Attorney Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (d) was filed and United States Magistrate Judge Hon. George A. Yanthis issued a Report and Recommendation granting in part the motion for a total of attorney fees in the amount of \$9,226.30. Neither party having filed objections to Magistrate Judge Yanthis' Report & Recommendation.

Accordingly, it is hereby

ORDERED, that the Report and Recommendation dated October 23, 2009 is ADOPTED in its entirety;

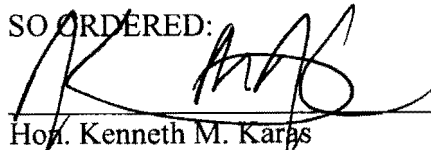
IT IS FURTHER ORDERED that defendant shall pay plaintiff's counsel Gary J. Gogerty, Esq. the sum of Nine Thousand Two Hundred Twenty Six and 30/100 Dollars (\$9,226.30) in full satisfaction of any and all claim for attorney's fees and expenses under the Equal Access to Justice Act, 28 U.S.C. 2412 (d).

Dated: ~~December~~ 1, 2009

February

2012

SO ORDERED:



Hon. Kenneth M. Karas
U.S. District Judge